

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Matthew Keil, et al.

Plaintiffs,

vs.

The City of New York, et al.

Defendants.

DECLARATION OF  
BARRY BLACK

Civil Action No. 1:21-cv-07863

STATE OF NEW YORK                     )  
  ) ss.:  
COUNTY OF NEW YORK                )

**BARRY BLACK**, an attorney admitted to practice before this Court, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am the attorney for the Plaintiffs in *Keil v. The City of New York* and am fully familiar with the facts and circumstances of this case.
2. I make this declaration in support of Plaintiffs' joint motion with the *Kane v. de Blasio* Plaintiffs to lift the stay imposed by the district court and for emergency injunctive relief pending resolution of this litigation.
3. On November 29, 2021, all Plaintiffs in *Keil v. The City of New York* timely submitted their applications for "fresh review" by the "citywide panel" in accordance with the Second Circuit Court of Appeals' instructions.
4. Plaintiffs objected to this relief as inadequate to address the violations of their first amendment rights, as acknowledged by the Second Circuit.

5. The “fresh look” did not define any criteria or procedural safeguards to ensure that appropriate injunctive relief was afforded. Rather, it was a sham process conducted by a biased panel of Defendants’ employees and the lawyers who represent them in this case, who, as part of their ethical obligation to their client, *cannot* provide an unbiased review.
6. Plaintiffs clarified, through counsel, that they submitted these applications under objection and did not waive any rights, remedies or other relief arising out of their constitutional claims litigated in this action.
7. On December 8, 2021, at 2:57pm, opposing counsel emailed me and counsel for *Kane v. de Blasio* a request for further information from each Plaintiff, to be submitted *to her* on or before December 10, 2021 for use in determining whether to grant religious accommodations to Plaintiffs. A true and accurate copy of this email is attached hereto as **Exhibit 1**.
8. Shortly before noon on December 10, 2021, *Kane* counsel and I timely submitted Plaintiffs’ supplemental materials, a true and accurate copy of which is attached hereto as **Exhibit 2**.
9. Almost immediately, Plaintiffs began receiving their summary auto-generated denials. Attached hereto as **Exhibit 3** are the auto-generated responses.
10. As evidenced by the denials, no explanation was provided for why the Plaintiffs were denied, and no real thought went into the review.
11. Plaintiff Matthew Keil’s denial was emailed to him Wednesday, December 8, though he did not complete his submission until Friday, December 10.
12. Upon information and belief, Plaintiff Sarah Buzaglo learned on December 6, that her position as a Department of Education classroom teacher was filled by a full-

time replacement teacher by November 30, if not sooner. By December 6, Plaintiff Buzaglo confirmed that the replacement teacher had already announced to the class that she will be the class's teacher until the end of the year.

Dated: December 11, 2021

Respectfully Submitted,

*/s/ Barry Black*

Barry Black  
Attorney for the *Keil* Plaintiffs